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RANGESAN NARAYANAN and
GEORGE FERNANDEZ

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA**

RANGESAN NARAYANAN and
GEORGE FERNANDEZ,

Plaintiffs,

vs.

THE STATE OF NEVADA EX REL THE
BOARD OF REGENTS OF THE NEVADA
SYSTEM OF HIGHER EDUCATION, et al,

Defendants.

Case No. 3:11-cv-00744-LRH-VPC

**OBJECTIONS TO DEFENDANTS'
EVIDENCE IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

I. Objections to Affidavit of Marc Johnson (“Exhibit 1” Dkt. No. 89–1)

Evidence: p. 3, lines 1–4, 8–11: “Beginning in 2009, the Nevada State Legislature significantly cut spending for higher education, which resulted in three rounds of budget cuts. The first cut resulted in a \$33 million reduction in state funding for the University of Nevada, Reno for fiscal year 2010, which began on July 1, 2009... The third round of budget cuts resulted in yet another \$31 million reduction in state funding for the University of Nevada, Reno, bringing the cumulative total for these reductions to approximately \$75 million.”

Objection: Not relevant, Fed. Rules Evid., rules 401, 402. Plaintiffs’ complaint puts only the second round of budget cuts at issue because the first and third rounds did not result in their layoffs.

Evidence: p. 3, lines 12–17: “In response to the first round of cuts, the University laid off non-tenured administrative faculty, closed almost every vacant position on campus, substantially reduced operating funds going to specialized units and issued many notices of non- reappointment to both classified and administrative personnel. There were also reductions in non-tenured academic faculty, but no tenured faculty were laid off in response to the first round of budget cuts.”

Objection: Not relevant, Fed. Rules Evid., rules 401, 402. Plaintiffs’ complaint puts only the second round of budget cuts at issue because the first round did not result in their layoffs.

II. Objections to Affidavit of Bruce Shively (“Exhibit 3” Dkt. No. 89–3)

Evidence: p. 3, lines 23–25: “The total number of position reductions that occurred during the period from fiscal year 2009 to fiscal year 2011 was 266 for the University of Nevada, Reno, alone.”

Objection: Not relevant, Fed. Rules Evid., rules 401, 402. Plaintiffs' complaint puts at issue only the layoffs for which notice was given in 2010.

Evidence: p. 3, lines 26–27, p. 4, lines 1–2: “During the three rounds of legislatively mandated budget cuts from 2009 through fiscal year 2013, the University of Nevada, Reno lost some \$75 million in annual state funding, resulting in the loss of approximately 600 positions across campus.”

Objection: Not relevant, Fed. Rules Evid., rules 401, 402. Plaintiffs' complaint puts only the second round of budget cuts at issue because the first and third rounds did not result in their layoffs.

III. Objections to Board of Regents Meeting Minutes (“Exhibit 5” Dkt. No. 89–5)

Evidence: pp. 28–65.

Objection: Not relevant, Fed. Rules Evid., rules 401, 402. Plaintiffs' complaint puts only the budget reduction plans agenda items at issue.

IV. Objections to Affidavit of Marsha Read (“Exhibit 6” Dkt. No. 89–6)

Evidence: p. 3, lines 16–19: “I am informed and believe that Human Resources ultimately determined that Dr. Fernandez's tenure home was Resource Economics because that was the department in which he received tenure and because the Nevada Agricultural Experiment Station is not an academic department from which tenure can be granted.”

Objection: Lack of personal knowledge, Fed. Rules Evid., rule 602.

V. Objections to Deposition of Charlene Hart (“Exhibit 7” Dkt. No. 89–7)

Evidence: p. 39, lines 8–24:

1 Q. Okay. Did you and Dr. Pardini have any conversation about whether that was an
2 appropriate action? And by appropriate action I mean his return to a department which
3 was slated for closure?

4 A. I'm trying to remember, so—

5 Q. Okay.

6 A. —I believe that Dr. Pardini, in the—in conversations we had, Dr. Pardini had
7 intentions of—his ultimate intention was to save the departments and the faculty.

8 Q Okay.

9 A. And he felt like downsizing his administrative team, that would help by getting
10 them out, because we were top heavy.

11 Q. Okay.

12 A. So I think in Dr. Pardini's well thought out intentions he was going to save
13 everybody.

14 **Objection:** Hearsay, Fed. Rules Evid., rules 801, 802.

15 **VI. Objections to Deposition of Rangesan Narayanan (“Exhibit 8” Dkt. No.**
16 **89–8)**

17 **Evidence:** p. 143:7–144:21:

18 Q. Okay. Do you think that Ron Pardini discriminates against people who aren't from
19 the United States originally?

20 A. I don't think so.

21 Q. Did you complain to Ron Pardini after June of 2010 that you thought you were
22 being discriminated against?

23 A. At some point when I filed the Complaint, I did mention it to Ron that I have filed
24 this Complaint, I believe, or I may have said it just a little before, but not in June.

1 Q. Well, Ron Pardini was your supervisor, wasn't he?

2 A. Right.

3 Q. Did you complain to your supervisor that you thought you were being
4 discriminated against based on your national origin?
5

6 A. Ron didn't send me a reassignment letter or Ron didn't send me a layoff notice,
7 and so this is all related to the reassignment letter.

8 Q. That is not my question. Did you complain to your Supervisor Ron Pardini at any
9 time after June 1st, 2010 that you thought you were being subjected to discrimination
10 based on your national origin?
11

12 A. I told him that I -- I cannot remember whether it was before or right after, but I
13 did tell him that I'm filing a Complaint.

14 Q. That is not my question. I understand you told him you were filing a Complaint.
15 My question is whether you went to him as your supervisor and complained to him that
16 you were being discriminated against based on your national origin?
17

18 A. I never received any decision from him, so I did not complain to him.

19 Q. Did you complain to Denise Cordova?

20 A. I don't know who that is.

21 Q. Did you complain to Marc Johnson?
22

23 A. No.

24 Q. Did you complain to President Glick?

25 A. No.

26 Q. And you didn't complain to Ron Pardini either, did you?

27 A. I don't know what complaint. I told him about
28

1 **Objection:** Relevance, Fed. Rules Evid., rules 401, 402. Whether plaintiffs made
2 complaints of discrimination is irrelevant because plaintiffs do not assert retaliation
3 claims.

4 **Evidence:** p. 144:25–145:2:

5 Q. You told him you were filing a Complaint with the EEOC, correct?
6

7 A. Correct.

8 **Objection:** Relevance, Fed. Rules Evid., rules 401, 402. Whether plaintiffs made
9 complaints of discrimination is irrelevant because plaintiffs do not assert retaliation
10 claims.
11

12 **VII. Objections to Bart Patterson Memorandum (“Exhibit 10” Dkt. No. 89–**
13 **10)**

14 **Evidence:** The opinion expressed within the memorandum regarding “tenure
15 home.”

16 **Objection:** Not relevant, Fed. Rules Evid., rules 401, 402. The memorandum was
17 not issued until after plaintiffs and other faculty and administrators were reassigned to
18 their purported “tenure home” in June 2010.
19

20
21 Dated: July 22, 2012

22 SIEGEL & YEE

23
24 By: /s/Dean Royer
Dean Royer

25
26 Attorneys for Plaintiffs
RANGESAN NARAYANAN and
27 GEORGE FERNANDEZ
28

Proof of Service

Re: *Narayanan and Fernandez v. Board of Regents, et al.*,
Case No. 3:11-cv-00744-LRH-VPC

I declare:

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 499 14th Street, Suite 300, Oakland, California 94612.

On July 22, 2013, I served the following document:

Objections to Defendants' Evidence in support of Motion for Summary Judgment

by transmitting a copy to:

Gary Cardinal
Assistant General Counsel
University of Nevada, Reno
1664 North Virginia Street, MS550
Reno, Nevada 89557-0550

via the following method:

X By electronically filing a copy in this case in which Mr. Cardinal is a Filing User.

I declare under penalty of perjury that the foregoing is true and correct.

Executed July 22, 2013.

/s/Dean Royer
Dean Royer